



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MEMORANDUM**

**Date:** May 28, 2015

**To:** Robert Best, Chairman, & Members, Planning Board

**From:** Jillian M. Harris, AICP, Planning & Zoning Administrator

**Subject:** **526 DW LLC. (applicant/owner)** – Review for acceptance and consideration of Final Approval for a site plan to construct a 44,000 s.f. commercial storage building located at 526 DW Highway in the C-2 (Commercial) and Aquifer Conservation Districts, Wellhead Protection Area, and 100-year and 500-year Flood Hazard Areas. Tax Map 5D-2, Lot 001.

**Background:** *This item is continued from the May 19, 2015 Planning Board meeting.* Please see the previous memo dated May 14, 2015(attached) for background information. The town's peer review consultant has been authorized to review the proposal but has not returned comments for discussion as of the distribution of this memo. Staff is hopeful CLD's comments will be received prior to the meeting.

**Completeness:** The Board accepted the application as complete at the May 19, 2015 Planning Board meeting.

**Waivers:** At the May 19, 2015 Planning Board meeting, the Board voted to waive the requirements of Section 7.05(D)(19), requiring the provision of a sidewalk or paved pedestrian way.

**Recommendation:** Staff recommends that the Board vote with respect to any new waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

**Barring any unforeseen issues from peer review, staff recommends that the Board grant conditional final approval to the application, with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
3. The applicant shall indicate any proposed easements on the plan, as applicable, including utility and sidewalk easements. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);

4. The applicant shall address all applicable forthcoming comments from the Town's peer review consultant, CLD;
5. The applicant shall address any forthcoming comments from the Public Works Department (as applicable);
6. The applicant shall address the following comments from the Fire Department:
  - a. The Town of Merrimack, Department of Fire Rescue, Office of the Fire Marshal requires (NFPA 1 Chapter 18) that fire department access roads be constructed and maintained so that fire apparatus can effectively operate during an emergency. The location of the access road(s) must provide for positioning of the fire apparatus to allow access to all sides of the structure. Unique building or occupancy conditions may trigger additional requirements from the Office of the Fire Marshal;
    - i. A minimum 24 foot wide access road serving all sides of the proposed building is required. The plans show portions of the road to be 24' and others to be only 22';
    - ii. The distance between the proposed building and the existing vehicle storage building is not shown on the plans. A minimum of 40 feet between buildings is required for proper emergency vehicle deployment;
  - b. Because of the current orientation and stacking congestion of the existing intersection of Daniel Webster Highway and McGaw bridge road the main access to the proposed new building shall be moved to a location north of the existing building located at 526 Daniel Webster Highway;
    - i. The proposed building shall be assigned the address of 528 Daniel Webster Highway;
7. The applicant shall address the following comments from MVD:
  - a. Fire and domestic services must be separate unless the Fire Department requires a hydrant near the new building;
  - b. No de-icing compounds to be used on site;
8. The applicant shall address the following comments from the Conservation Commission, as applicable:
  - a. The Commission requests the applicant use a NH Green SnoPro certified contractor(s) on their site to limit any use of salt or de-icing compounds on the site;
  - b. The Commission recommends that only low phosphate, slow release nitrogen fertilizers be used as part of this project and in the future at the entire site. The Commission further recommends that the applicant's contractor considers utilizing a soil testing facility to determine what levels and applications rates may be necessary before doing any application of fertilizes on the site and then later for regular maintenance of the landscaping;
  - c. The Commission requests that all references of the use of hay on the plans be removed and replaced with straw;
  - d. The Commission also requests that the Planning Department, Planning Board, and CLD do their normal review of the final Storm Water Management Plan to ensure storm

events are adequately handled on site and would not overwhelm the proposed storm water devices being proposed. The Commission would like to see a copy of the final report once available;

9. The applicant shall address the following planning staff technical comments:

- a. Please address the following relative to the Master Site Plan, Sheet 1 of 10:
  - i. Please add the following statement to sheet 1 per Section 4.06.1.k of the Subdivision Regulations: "The Subdivision Regulations of the Town of Merrimack are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only variances or modifications made in writing by the Board or any variances granted by the Zoning Board of Adjustment and attached hereto";
  - ii. Applicant to include the following statement that references the Stormwater Management Ordinance: "This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Town's code of ordinances). A Pre-construction meeting with the Town of Merrimack Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of disturbance in accordance with Chapter 167 of the Stormwater Management Standards adopted by the Town of Merrimack Town Council on July 21, 2011";
  - iii. Please remove note #8 and include Flood Hazard Conservation Zoning in note #4;
  - iv. Please add the following to note #9: "See December 18, 2013 Decision of the ZBA, Case #2013-36";
  - v. Please add "Merrimack Village District" water and "municipal" sewer to note #10;
  - vi. Please revise the parking calculations in note #11 to be consistent with the requirements for "storage, self serve" as 1 per 10 storage units plus 1 per employee;
  - vii. Please show existing parking spaces for the current building on sheet 1;
- b. The applicant shall include locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;
- c. The applicant has not provided information regarding the traffic generation for the site. The applicant shall address any traffic comments prepared by our peer review consultant as applicable;
- d. Please provide appropriate landscaping plan details in the plan set as required by the regulations (Section 10.01); or request a waiver as necessary. The applicant should add a note regarding the appropriate buffers (indicating that the buffers are Type C for the NW lot line based on abutting land uses) from Section 10.01.4 of the regulations;
- e. Please provide appropriate lighting plan details in the plan set as required by the regulations (Section 11.04); or request a waiver as necessary;

- f. Please indicate the dimensions of the proposed wall signage shown on the building elevations sheet to ensure compliance with Zoning Ordinance requirements.

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. All proposed easements and any applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy;
4. Per the Fire Marshal, the entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to the Fire Marshal for review and approval before a permit can be issued;
5. Per the Fire Marshal, due to the unique hazards associated with a vehicle storage building a pressurized standpipe system shall be installed in conjunction with the sprinkler system. The standpipe system shall have a valved connection point located in the center of each perimeter wall and with an outward opening emergency exit door located within 3 feet of the standpipe;
6. Per the Fire Marshal, the building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to the Fire Marshal for review and approval before a permit can be issued;
7. Per the Wastewater Division, this project will require a flow assessment and sewer connection application to determine the sewer connection fee. The new building will have a separate bill from the existing building.

Cc: File  
Correspondence  
526 DW LLC, Applicant/Owner  
Eric Mitchell & Associates, LLS

Ec: RJB Engineering, PE  
Fire Captain John Manuele  
Kyle Fox, Deputy Director of Public Works/Town Engineer  
Ken Conaty & Jim Tayler, Wastewater Division  
Tim Tenhave, Conservation Commission Chair  
Heidi Marshall & Paul Konieczka, CLD Consulting Engineers  
Building Official Fred Kelley  
Carol Miner, Building Department